

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

-----X
In re:

PROMESA
Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3283-LTS

THE COMMONWEALTH OF PUERTO RICO
et al.,

(Jointly Administered)

Debtors.¹

-----X

ORDER DENYING MOTION REQUESTING EXTENSION OF
TIME TO RESPOND TO THE ONE HUNDRED TWENTY-SEVENTH OMNIBUS OBJECTION

Before the Court is the *Motion Request Time for Response* (Docket Entry No. 12520 in Case No. 17-3283,² the “Motion”), filed by Maria Consuelo Figueroa Torres (the “Claimant”). Through the Motion, Claimant requests leave to file an untimely response to the *One Hundred Twenty-Seventh Omnibus Objection (Non-Substantive) of the Commonwealth of Puerto Rico and Employees Retirement System of the Government of the Commonwealth of Puerto Rico to Deficient Claims Asserting Interests Based on Salary Demands, Employment or Services Provided* (Docket Entry No. 9897, the “Omnibus Objection”), filed by the Financial Oversight Board and Management Board for Puerto Rico (the “Oversight Board”), which had sought disallowance of, inter alia, a claim filed by Claimant against the Commonwealth (Proof of Claim No. 135315, the “Claim”), on the basis that Claimant had provided no documentation in

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² All docket entry references are to entries in Case No. 17-3283 unless otherwise specified.

support of her Claim. The Court has considered carefully the parties' submissions in connection with the Motion³ and, for the reasons provided herein, the Motion is denied.

According to the Objection, the Oversight Board had, pursuant to the *Order Granting in Part and Adjourning in Part Debtors' Motion for Entry of an Order (a) Authorizing Alternative Dispute Resolution Procedures, (b) Approving Additional Forms of Notice, (c) Approving Proposed Mailing, and (d) Granting Related Relief* (Docket Entry No. 8453), sent Claimant a letter (the "Letter Request") requesting additional information in support of her Claim and advising Claimant that the Debtors could be forced to object to the Claim in the event that she did not respond and provide the requested documentation by October 23, 2019. (See Obj. ¶ 3.) In light of Claimant's failure to respond to the Letter Request, the Oversight Board objected to her Claim as deficient, by way of the Omnibus Objection, on January 14, 2020. The following day, the Omnibus Objection, together with a Court-approved notice in English and Spanish, was served upon Claimant via email. (See *Certificate of Service* (Docket Entry No. 10338), Ex. E.) The stated deadline for Claimant to respond to the Omnibus Objection was February 18, 2020, at 4:00 p.m. (Atlantic Standard Time). Claimant did not file or otherwise submit a response to the Omnibus Objection. Claimant also failed to appear at the March 4-5, 2020, Omnibus Hearing at which the Court heard the Omnibus Objection. Consequently, the Court sustained the Omnibus Objection as it pertains to the Claim and other deficient claims pending entry of a final written order memorializing that ruling.

Claimant filed the Motion on March 24, 2020—approximately three weeks after the March Omnibus Hearing and five weeks after the deadline to file responses to the Omnibus Objection—seeking additional time to obtain information in support of her Claim and respond to the Omnibus Objection. The Motion states that, due to the January 2020 earthquake swarm in Puerto Rico, the United States District Court for the District of Puerto Rico was closed on January 7 and 8, 2020. (Mot. ¶¶ 4-5.) Further, the Motion states that, as of the date of its filing, Commonwealth government offices had been closed in light of the COVID-19 pandemic and were not scheduled to reopen until March 30, 2020. (Id. ¶¶ 6-7.) Claimant, who is represented by counsel, maintains that because of these events she has been unable to obtain relevant information in support of her claim from the Puerto Rico Department of Health. (Id. ¶ 7.) The Motion also asserts that "we have looked for different methods to answer the claim correctly but we have not been successful." (Id. ¶ 10.)

The Motion fails to proffer an adequate justification for the substantial delay that has occurred here. Although Claimant contends that the temporary interruptions of government operations prompted by the January 2020 earthquakes as well as the COVID-19 pandemic prevented her from requesting and receiving information in support of her Claim, Claimant does not explain why she was unable to respond to the Letter Request by October 23, 2019, and

³ In accordance with the Court's *Order Scheduling Briefing in Connection with Motion Requesting Extension of Time to Respond to the One Hundred Twenty-Seventh Omnibus Objection* (Docket Entry No. 12534), the Oversight Board filed the *Objection of Financial Oversight and Management Board for Puerto Rico to Motion Requesting Extension of Time to Submit Claim Documentation [ECF No. 12520]* (Docket Entry No. 12545, the "Objection"). Claimant has not filed a reply in support of the Motion.

respond to the Omnibus Objection by February 18, 2020, or appear at the March 4-5, 2020, Omnibus Hearing, as a result of these events. Indeed, the Motion cites only the two-day closure of the District of Puerto Rico in connection with the earthquakes, and the COVID-19-related closure of Puerto Rico government offices which began on March 15, 2020, and Claimant fails to identify any other circumstance that prevented her from obtaining the required information, at a time when government offices were fully operational, after she had received the Letter Request and the Omnibus Objection.

Accordingly, the Motion is denied, and the Claim is disallowed as reflected in the *First Order Granting in Part One Hundred Twenty-Seventh Omnibus Objection (Non-Substantive) of the Commonwealth of Puerto Rico and Employees Retirement System of the Government of the Commonwealth of Puerto Rico to Deficient Claims Asserting Interests Based on Salary Demands, Employment or Services Provided* that is being entered contemporaneously herewith.

SO ORDERED.

Dated: April 7, 2020

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge